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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

ROSA DITUCCI, an individual, et al.,

Plaintiffs,

v.

WILLIAM BOWSER, an individual, et al.,

Defendants.

**PLAINTIFFS' MOTION FOR:
(1) ISSUANCE OF A WRIT OF
EXECUTION and
(2) WITHDRAWAL OF FUNDS**

Case No. 2:19-cv-00277

District Judge Tena Campbell

Magistrate Judge Jared C. Bennett

Plaintiffs, by and through their counsel of record, and pursuant to Rule 64E, Utah Rules of Civil Procedure; 28 U.S.C. §2042; and DUCivR 67-1, hereby move this Court for a withdrawal of funds held in the Court Registry. In support of this Motion, Plaintiffs show the court as follows:

Facts

1. On June 24, 2019, this Court issued its Order and Memorandum Decision Granting Prejudgment Writ of Attachment. (See, Document No. 46). Under the terms of this Order Defendant William Bowser was ordered to deposit the amount of \$347,821.48 in the Court Registry (“Deposit”).
2. On October 4, 2019 this Court issued its Oder Granting Application for Order to Invest Funds. (See, Document No. 112).
3. On January 3, 2022 this Court issued its Judgment in a Civil Case granting Judgment in Plaintiffs favor against William Bowser in the amount of \$3.3 million (“Judgment”).
4. The Judgment has been accruing interest at the applicable post-judgment interest rate.

Requested Relief

1. That this Court issue a Writ of Execution under Rule 64E, Utah Rules of Civil Procedure, based upon the Judgment, to become a lien in Plaintiffs’ favor on the Deposit, including all accrued interest, held in the Court Registry.
2. That this Court order that the execution lien that results from the Writ of Execution be considered prior in time and right of all potential claimants in and to the Deposit.
3. That this Court order, pursuant to 28 U.S.C. §2042, that the Clerk of the Court issue to counsel for the Plaintiffs the full amount of the Deposit, plus all accrued interest, in satisfaction of the Writ of Execution.
4. That this Court order that Plaintiff’s receipt of the Deposit, plus all accrued interest, is only a partial satisfaction of the Judgment.

Copies of the proposed Order is submitted with this Motion.

Dated this _____ day of January, 2022

PIA HOYT, LLC

/s/ WES FELIX

WES FELIX

ATTORNEY FOR PLAINTIFFS

STRONG & HANNI

/s/ MARK S. SWAN

MARK S. SWAN

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify on this ____ day of January 2022, I caused a true and correct copy of the foregoing **PLAINTIFFS' MOTION FOR: (1) ISSUANCE OF A WRIT OF EXECUTION, and (2) WITHDRAWAL OF FUNDS** to be served on all counsel of record via e-file notification and served on William Bowser via email. I further hereby certify that I mailed a true and correct copy of the foregoing to William Bowser on this __ day of January 2022.

/s/ Mark S. Swan